



**Notice of Decision
Number 16-04**

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Date of Application: August 29, 2016

CLERK'S OFFICE
ASHBURNHAM, MA 01430

Subject of Appeal: The application of Robert Silva for a special permit under 3.24(k) of the Ashburnham Zoning Bylaws to operate a sales facility for motor vehicles located at 180 Center Street, Map 58 and Parcel 15 in the Industrial Zone District.

Date of Hearing: September 21, 2016

Date of Decision: September 21, 2016

No Finding: Board determined there has been an active car sales facility since 1993 on the subject property.

Decision: The special permit was unanimously granted with conditions (see conditions below 1-6)

Conditions:

1. Solid visual maintained, existing barrier not less than 6 feet and not more than 10 feet along part of property line used for storage and display of autos.
2. Hours of operation Monday through Saturday 8:00 AM to 9:00 PM and Sunday 9:00 AM to 9:00 PM (sales).
3. No more than 20 cars on the premises at any one time.
4. All signs must conform to Section 5.23 of the Ashburnham Zoning Bylaws
5. This permit shall be in force as long as Robert Silva is the owner of the business. Continuation of the business under a new ownership is subject to a new hearing.
6. NO auto body or mechanical repairs shall be part of the business. Routine prep work such as auto detailing is allowed (some other examples of routine prep work would be washing, polishing, cleaning of interior, etc.)

Vote of Board: Board unanimously voted to grant special permit with conditions to Robert Silva to allow him to operate a sales facility for motor vehicles located at 180 Center Street in Ashburnham, MA.

Basis for Decision: The Board finds that the granting of the special permit is not detrimental to the neighborhood and does not derogate from the intent of the By-Law.

Board Members Present and Voting: Heather Carlisle, Acting Chair
Rich Archer, Acting Clerk
Cheryl Anderson
Ken Mullen

Not Present: Mark Carlisle
Terry Girouard (abutter)
Dave Perry (recused himself since property owner)

Notice: Any decision of the Zoning Board of Appeals may be appealed to Court, in accordance with Massachusetts General Laws Chapter 40A, Section 17, by the applicant, Town Boards or officers or any person aggrieved by said decision.

Pursuant to G. L. c. 40A, s. 11, this Special Permit shall not take effect until a copy of the decision bearing the certification of the city or town clerk that 20 days have elapsed after the decision has been filed in the office of the town clerk and either that no appeal has been filed or the appeal has been filed within such time, is recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The person exercising rights under a duly appealed special permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone. The fee for recording or registering shall be paid by the owner or applicant.

CERTIFICATION

I hereby certify that the foregoing Notice of Decision was filed in the Office of the Ashburnham Town Clerk, which twenty (20) days have elapsed since the date of said filing, and that:

_____ No notice of appeal from said Decision has been received relating thereto;
(or)

_____ A Notice of appeal from said decision was received within said twenty day period.

Dated:

Ashburnham Town Clerk